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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,402	01/30/2002	Fredric Kronestedt	040010-940	4739
27045	7590	06/27/2006	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			TRAN, THIEN D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/058,402

Applicant(s)

KRONESTEDT ET AL.

Examiner

Thien D. Tran

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,13,16-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 7,11,12,14,15,23 and 27-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/26/02,5/21/02.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8, 17-22, 24, rejected under 35 U.S.C. 102(e) as being anticipated by Black et al (U.S Patent No. 6,208,873).

Regarding claims 1, 16, Black discloses a method and system for receiver-characterized power setting in a cellular communication system, comprising the steps of:

setting a first transmission power for a first connection with a MS1 (first type of mobile station), col.3 lines 20-30, wherein the Zi (first connection targets a first radio channel quality), col.5 lines 55-60; and

setting a second transmission power for a MS2 (second connection with a second type of mobile station), wherein the Zi+1 (second connection targets a second radio channel quality), col.8 lines 10-20, wherein the first type of mobile station uses a first type of speech unit that is more erroneous (less robust to poor radio channel quality than a second type of speech unit), col.3 lines 20-30, used by the second type of mobile

station, and wherein the first and second transmission powers are set according to at least a type of speech unit used by the first and second types of mobile stations, respectively, when transmitting speech, col.11 lines 30-38.

Regarding claims 2, 18, Black discloses that second radio channel is more erroneous (quality is substantially lower than) than said first radio channel quality, col.9 lines 55-65.

Regarding claims 3, 19, Black discloses the first and second radio channel qualities correspond to a desired E/N (carrier-to-interference (C/I) ratio), col.7 line 65.

Regarding claims 4, 20, Black discloses that the first and second types of mobile stations share substantially the CDMA spread spectrum (same frequency band) for the first and second connections, respectively, col.5 lines 35-49.

Regarding claims 5, 21 Black discloses that CDMA spread spectrum allocations (frequency hopping allocations) are used for the first and second connections, col.5 lines 35-49.

Regarding claims 6, 22, Black discloses that the second radio channel quality is adjusted (mapped) from a corresponding first radio channel quality, col.7 lines 25-30.

Regarding claims 8, 24, Black discloses that a power used in the second mobile is less than the threshold level while power used in the first mobile more than the threshold level (minimum power used for the second connection with the second type of mobile station is lower than a minimum power used for the first connection with the first type of mobile station), col.8 lines 20-30.

Regarding claim 17, Black discloses a base station that communicates with the first and second types of mobile stations, col.5 line 45.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 10, 12, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al (U.S Patent No. 6,208,873) in the view of Bruhn (U.S Patent No. 6,347,081 B1)

Regarding claims, 9, 10, 25, 26, Black discloses limitation of the base claims. Black does not disclose that the type of speech unit used by mobile station is an Enhanced Full Rate (EFR) voice codec unit or Adaptive Multi-Rate (AMR) voice codec unit. Bruhn discloses communication system having the mobile type of EFR and AMR, col.1 line 25 and col.2 line 8. Therefore, it would have been obvious to one having ordinary skill in the art to have that the type of speech unit used by mobile station is an Enhanced Full Rate (EFR) voice codec unit or Adaptive Multi-Rate (AMR) voice codec unit because it is just a design choice.

Regarding claim 12, Black discloses limitation of the base claims. Black does not disclose that associated control signaling information includes handover signaling information. However, it would have been obvious to one having ordinary skill in the art

to have the associated control signaling information including handover signaling information so the mobile is able to move from one location to another location without interrupting the connection.

***Allowable Subject Matter***

5. Claims 7, 11, 12, 14, 15, 23, 27-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached on (571) 272-7629. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

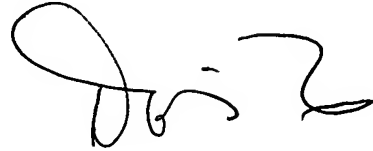
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

A handwritten signature in black ink, appearing to read 'Doris H. To', with a stylized, flowing script.

**DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**